IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPLICATION NO. 3566 OF 2004
IN
CRIMINAL APPEAL NO. 721 OF 2004

Smt. Muktabai Babu Kajale ..Applicant

Vs.

1. The State of Maharashtra & Anr. ..Respondents

Advocate for the applicant absent.
Ms. Usha Kejriwal, APP for Respondents-State.

**CORAM: S.S. PARKAR &**
**Smt. RANJANA DESAI, JJ.**

**Date : March 29, 2005.**

**P.C.:**

1. This is second application made on behalf of this applicant for bail. Her earlier application was rejected on 3/8/2004 in Criminal Application No.2470 of 2004 on merits.

2. On behalf of the respondent-State the learned APP points out that though the earlier application for bail was rejected by this Bench on 3/8/2004 there is no reference made to the same in the present application that the earlier application was rejected on merits by this court, though there is reference to the admission of appeal on 3/8/2004. It is pertinent to mention that in the synopsis filed along with this application there is mention at Sr.No.9 that the

appeal was admitted by this court on 3/8/2004 and directed the applicant to file separate application which is absolutely incorrect. A separate application for bail made on behalf of the accused, including the present applicant, was on board before this court on 3/8/2004 on which date the appeal was admitted and it was observed that the prayer for bail was considered in Criminal Application No.2470 of 2004. Office record shows that the said bail application was rejected by this court on that very day i.e. 3/8/2004. Therefore, there is suppression of the rejection on 3/8/2004 of previous application for bail made on behalf of the present applicant. There is also misstatement and misleading statement made in this application that while admitting the appeal on 3/8/2004 applicant was directed to file separate application for bail. It may be mentioned here that the same Advocate who has filed the present application had appeared in the appeal as well as in the Criminal Application No.2470 of 2004 on 3/8/2004.

3. In the circumstances, this application is rejected.

. Office to issue show cause notice to the Advocate who has made the Criminal Application No.3566/04 why action for perjury should not be taken against him for misstatement and suppression of material facts in the present application.

**( S. S. Parkar,J.)**

**(Smt.Ranjana Desai,J.)**